

Appeal No. 21-55852

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LITTLE ORBIT, LLC
Plaintiff – Appellant,

vs.

DESCENDENT STUDIOS INC. and ERIC PETERSON,
Defendants – Appellees

On Appeal from the United States District Court for the Central District of
California
Civil Action No. 8:20-cv-00089-DOC-JDE, Hon. David O. Carter, Judge

**APPELLANT’S MOTION FOR PERMISSION TO FILE OVERSIZE
EMERGENCY MOTION FOR STAY
AND SUPPORTING DECLARATION**

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Attorneys for Plaintiff/Appellant, LITTLE ORBIT LLC

**MOTION FOR PERMISSION TO FILE AN OVERSIZED
EMERGENCY MOTION**

Appellant LITTLE ORBIT LLC respectfully requests permission to file an oversized Emergency Motion for Stay. Counsel for Appellant has diligently attempted to bring the Motion within the word limit of 5,200 words, but has not been able to adequately or appropriately address the numerous issues and arguments required for the proper presentation of Appellant's motion within the word limit. Opposing Counsel has advised Defendants oppose this request.

Declaration of M. Danton Richardson, ¶ 4.

The current word count of the Appellant's Emergency Motion is more than the allowed limit. Appellants have worked diligently to reduce the size. Anything less than 7,865 words would severely limit Appellant's ability to adequately address the matters in dispute. Appellant therefore requests permission to file an Emergency Motion of no more than 7,865 words.

There are numerous complex issues and arguments that must be addressed in the Emergency Motion given one prong of the relief sought requires Appellant to show that it is likely to prevail on the merits.

Appellant would be prejudiced if they are restricted to the 5,200 word limit for the Emergency Motion, because Appellant will not be able to properly and

adequately address the errors by the District Court based on the numerous legal and factual issues raised.

Appellant, therefore, respectfully requests permission to file an Emergency Motion containing 7,865 words.

DATED: August 24, 2021 **LAW OFFICES OF M. DANTON RICHARDSON**

By: /s/ M. Danton Richardson
M Danton Richardson

Attorney for Plaintiff/Appellant,
LITTLE ORBIT LLC

DECLARATION OF M. DANTON RICHARDSON

I, M. Danton Richardson, declare:

1. I am an attorney at law duly licensed to practice before this Court. I am counsel of record for Appellant LITTLE ORBIT, LLC. I make this Declaration in support of Appellants' Motion for Permission to File an Oversize Emergency Motion For Stay. I have personal knowledge of the information set forth in this Declaration and if called as a witness, I could and would competently testify thereto.

2. The current word count of the Appellant's Emergency Motion For Stay is more than the allowed word limit. Appellant worked diligently to reduce the size but was unable to cut down the brief to 5,200 words. Anything less than the current number of words would severely limit the Appellants ability to adequately address the matters in dispute. Appellants therefore request permission to file an Emergency Motion of no more than 7,865 words.

3. Appellant cannot adequately address the long factual history unpinning this matter and the District Court's errors based on the legal and factual arguments raised within the 5,200 word limit for Motions.

4. I met and conferred with opposing counsel, Michael Whitticar via telephone on August 23, 2021, and advised of Appellant's plan to request permission to file an oversized Emergency Motion. Mr. Whitticar advised that Defendants oppose this request.

5. The current word count of Appellant's Emergency Motion is 7,865. Appellant has worked diligently to reduce the size was unable to do so without severely limiting the Appellants ability to adequately address the necessary matters. Appellant will be prejudiced if not allowed to exceed the word limit,

because they will be unable to adequately and properly present their motion. Therefore, Appellant asks the Court to allow them to file a brief of no more than 7,865 words.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Dated: August 24, 2021

/s/ M. Danton Richardson
M. Danton Richardson, Declarant

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2021, I electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. Counsel in this case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ M. Danton Richardson

M. Danton Richardson
Attorney for Plaintiff/Appellant
Little Orbit LLC